

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

RENE GONZALEZ AYALA

Petitioner

v.

UNITED STATES OF AMERICA

Respondent

CIVIL NO. 05-1291(DRD)  
re: Criminal 97-076(DRD)

Section 2255

**ORDER**

MOTION	RULING
Docket No. 1  Section 2255 Petition	After a careful review of the record as a whole, petitioner's pro se request for Section 2255 relief from his sentence pursuant to <u>United States v. Booker</u> , ____ U.S. ____, 125 S.Ct. 738, 160 L.Ed.2d 621 (2005) is hereby <b>DENIED</b> . Petitioner is not entitled to resentencing in light of <u>Booker</u> , whose holding does not apply retroactively. <u>Cirilo-Muñoz v. United States</u> , 404 F.3d 527 (1 <sup>st</sup> Cir. 2005). In any event, as in <u>United States v. Flores-Seda</u> , ____ F.3d ____, 2005 WL 2170253, *4 (1 <sup>st</sup> Cir. 2005), petitioner "has not established a reasonable probability that the court would impose a more favorable sentence under the advisory Guideline regime." Judgment shall enter accordingly and this case closed for all statistical purposes.
Docket No. 4  Response by USA	

IT IS SO ORDERED.

Date: September 21, 2005.

s/ Daniel R. Domínguez \_\_\_\_\_  
DANIEL R. DOMINGUEZ  
U.S. DISTRICT JUDGE